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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,349	04/12/2001	Oliver Gottschalt	A-2794	3798

7590

08/14/2002

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EXAMINER

EVANISKO, LESLIE J

ART UNIT PAPER NUMBER

2854

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,349

Applicant(s)

GOTTSCHALT ET AL.

Examiner

Leslie J. Evanisko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2002 and 12 April 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 and 12-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 & 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of group II, claims 5-11 in Paper No. 10 is acknowledged.
2. Claims 1-4 and 12-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 10.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

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4. Claims 5-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Ganton (US 6,130,702). Ganton teaches an imaging machine comprising a magnetic cylinder **13** for holding the printing plate firmly during the setting of an image thereon. See Figures 2a-2d and column 1, lines 48-67 and column 2, line 51-column 3, line 19 in particular. Note that the term "magnetic" is broadly defined by Merriam Webster's Collegiate Dictionary (Tenth Edition) as "being magnetized or capable of being magnetized". Since Ganton teaches that "the drum **13** is made of a ferromagnetic material such as cast iron or has steel inserts to allow the magnet **16** to adhere to the drum" (column 3, lines 8-10), the drum can broadly be considered to be magnetic as recited.

With respect to claim 6, note the teaching of a register system in column 2, lines 57-67 of Ganton.

With respect to claim 7, note the magnetic cylinder of Ganton includes at least one clamping device **16** for firmly clamping the printing plate as broadly recited.

With respect to claim 8, note the magnetic cylinder of Ganton includes at least one permanent magnet (in bar **16**). See column 3, lines 7-8 in particular.

With respect to claims 9-11, to the extent that applicant has recited any particular structure of the various imaging machines recited, note that Ganton teaches an imaging machine which can broadly be considered to be any one of a "plate-exposing," "plate-developing," or "plate-engraving" machine. See column 2, lines 53-54 and the abstract.

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5. Claim 5-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Haijima et al. (US 5,456,175). Haijima et al. teach an imaging machine **27** comprising a magnetic cylinder **30** (including at least one permanent magnet **260** embedded therein) for holding the printing plate during the setting of the image thereon. See Figures 8A, 49, and 60, column 25, lines 15-22, and column 28, lines 1-35 of Haijima et al. in particular.

With respect to claim 6, the sprocket mechanism **30a** on the cylinder **30** can broadly be considered to be a register system for aligning the printing sheet.

With respect to claim 7, note the sheet clasper **258** of Haijima et al.

With respect to claims 9-11, to the extent that applicant has recited any particular structure of the various imaging machines recited, note that Haijima et al. teach an imaging machine which can broadly be considered to be any one of a "plate-exposing," "plate-developing," or "plate-engraving" machine. See column 2, lines 53-54 and the abstract.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Montgomery et al. (US 5,947,028), Hasegawa (US 4,528,906), Palmer (US 4,138,102), Tice et al. (US 6,295,929), and JP 2001-

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293845 each teach a magnetic cylinder clamping mechanism with obvious similarities to the claimed subject matter.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(703) 308-0786**. The examiner can normally be reached on M-Th 7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Leslie Evanisko
Leslie J. Evanisko
Primary Examiner
Art Unit 2854

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August 9, 2002